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6 Attorneys for Defendant

VOLVO TRUCKS NORTH AMERICA, INC.

7
8 **UNITED STATES DISTRICT COURT**

9 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

10
11 RAYMOND P. MARIOLLE,

12 Plaintiff,

13 vs.

14 VOLVO GROUP NORTH AMERICA, INC.;
15 CONSOLIDATED METCO, INC.; AMSTED
16 INDUSTRIES, INC.; LABRIE
17 ENVIRONMENTAL GROUP; WITTKE
WASTE EQUIPMENT; FEDERAL SIGNAL
CORPORATION; AND DOES 1 through 25,
inclusive,

18 Defendants.
19
20

CASE NO. 3:09-cv-1209 MMC

3:09-cv-4250 MMC

**NOTICE OF APPEAL TO THE UNITED
STATES COURT OF APPEALS FOR THE
NINTH CIRCUIT BY VOLVO TRUCKS
NORTH AMERICA, INC.**

21 TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

22 Pursuant to Federal Rule of Appellate Procedure 3, notice is hereby given that defendant
23 Volvo Trucks North America, Inc. ("VTNA") hereby appeals to the United States Court of
24 Appeals for the Ninth Circuit from the Amended Judgment entered in this action on September 4,
25 2012, and from the Order of the District Court Denying Defendants' Post-Trial Motions, entered
26 on September 4, 2012.

27 ///

28 ///

4811-8642-8433.1

3:09-cv-1209 MMC

NOTICE OF APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT BY VOLVO
TRUCKS NORTH AMERICA, INC.

1 Copies of each order are attached hereto as Exhibit A and Exhibit B, respectively.

2
3 DATED: October 16, 2012

LEWIS BRISBOIS BISGAARD & SMITH LLP

4
5 By: /s/ Anthony E. Sonnett

6 Anthony E. Sonnett

7 Trevor J. Ingold

8 Attorneys for Defendant

9 VOLVO TRUCKS NORTH AMERICA, INC.

FEDERAL COURT PROOF OF SERVICE

Raymond Mariolle v. Volvo Truck North America, Inc., et al. - File No. 5.802

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to the action. My business address is 221 North Figueroa Street, Suite 1200, Los Angeles, CA 90012. I am employed in the office of a member of the bar of this Court at whose direction the service was made.

On October 16, 2012, I served the following document(s): NOTICE OF APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT BY VOLVO TRUCKS NORTH AMERICA, INC.

I served the documents on the following persons at the following addresses (including fax numbers and e-mail addresses, if applicable):

SEE ATTACHED SERVICE LIST

The documents were served by the following means:

☒ (BY COURT'S CM/ECF SYSTEM) Pursuant to Local Rule, I electronically filed the documents with the Clerk of the Court using the CM/ECF system, which sent notification of that filing to the persons listed above.

I declare under penalty of perjury under the laws of the State of CALIFORNIA that the foregoing is true and correct.

Executed on October 16, 2012, at Los Angeles, California.

/s/Brenna Phillips

Brenna Phillips

SERVICE LIST
Raymond v. Volvo Trucks
Case No.: C09-01209 MMC

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